

By Bird

H. B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to the membership of the Texas Water Quality Board;  
amending Sections 21.022, 21.023, 21.026, 21.027, and 21.028, Water  
Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 21.022, Water Code, is amended to read as  
follows:

"Sec. 21.022. MEMBERS OF BOARD. (a) The board is composed  
of six ~~[seven]~~ members [~~chosen as follows: Three are~~] appointed  
by the governor with the advice and consent of the senate [~~and the~~  
~~other four are the executive director of the Texas Water~~  
~~Development Board, the state commissioner of health, the executive~~  
~~director of the Parks and Wildlife Department, and the chairman of~~  
~~the Texas Railroad Commission. Each of the latter four shall~~  
~~perform the duties of a member of the board as additional duties~~  
~~required of his other office].~~

"(b) One of the members of the board shall be a licensed  
engineer, one of the members shall be engaged in and shall have  
expertise in one of the allied medical fields, and the other four  
members shall be knowledgeable in the area of water quality  
control.

"(c) No person may serve on the board who receives or who  
has received during the two years before becoming a member of the  
board a significant portion of his income directly or indirectly

1 from permit holders or applicants for a permit.

2 "(d) The governor shall make the appointments in a manner  
3 that will assure that each member is from a different area of the  
4 state."

5 Sec. 2. Section 21.023, Water Code, is amended to read as  
6 follows:

7 "Sec. 21.023. TERMS OF ~~[APPOINTED]~~ MEMBERS. The members of  
8 the board ~~[appointed by the governor]~~ hold office for staggered  
9 terms of six years, with the term of two members ~~[one member]~~  
10 expiring on January 31 ~~[the first day of September]~~ in each  
11 odd-numbered year. Each of these members holds office until his  
12 successor is appointed and has qualified."

13 Sec. 3. Section 21.026, Water Code, is amended to read as  
14 follows:

15 "Sec. 21.026. PER DIEM; EXPENSES. (a) A member of the  
16 board is not entitled to a salary for duties performed as a member  
17 of the board; but each member ~~[appointed by the governor]~~ is  
18 entitled to \$50 ~~[\$25]~~ for each day ~~[he is]~~ in attendance at  
19 meetings, hearings, or on authorized business of the board,  
20 including time spent in traveling to and from the place of the  
21 meeting, hearing, or other authorized business.

22 "(b) Each member of the board ~~[appointed by the governor]~~ is  
23 entitled to reimbursement for travel and other necessary expenses  
24 incurred in performing official duties, as evidenced by vouchers  
25 approved by the executive director of the board. ~~[Each of the~~  
26 ~~other members is entitled to reimbursement for travel and other~~  
27 ~~necessary expenses incurred in performing official duties for the~~

1 ~~board, out of funds made available for these purposes to the state~~  
2 ~~agency of the member.] "~~

3       Sec. 4. Section 21.027, Water Code, is amended to read as  
4 follows:

5       "Sec. 21.027. PARTICIPATION OF OTHER AGENCIES. (a) Each  
6 matter presented to the board for final action shall be submitted  
7 to the Texas Water Development Board, the State Department of  
8 Health, the Parks and Wildlife Department, and the Railroad  
9 Commission of Texas for review and comment before final action is  
10 taken by the board. Each of these agencies to which matters are  
11 submitted shall review them and submit their comments in writing to  
12 the board not later than 30 days after they receive the matters for  
13 review.

14       "(b) The executive director of the Texas Water Development  
15 Board, the state commissioner of health, the executive director of  
16 the Parks and Wildlife Department, and the chairman of the Railroad  
17 Commission of Texas shall attend all meetings of the board and  
18 shall participate in any discussions on request of the board. Each  
19 of these agency heads may designate a personal representative to  
20 represent him at board meetings if approval is given by the board.

21       ~~[Section 21.027. PERSONAL REPRESENTATIVES. (a) The~~  
22 ~~executive director of the Texas Water Development Board, the~~  
23 ~~executive director of the Parks and Wildlife Department, the state~~  
24 ~~commissioner of health, and the chairman of the Texas Railroad~~  
25 ~~Commission may each delegate to a personal representative from his~~  
26 ~~office the authority and duty to represent him on the board, but by~~  
27 ~~this delegation a member is not relieved of responsibility for the~~

1 ~~acts and decisions of his representative~~

2 ~~(b) While engaged in performing official board duties as~~  
3 ~~authorized by a member, a personal representative stands in the~~  
4 ~~place of the member for the purpose of participating in and voting~~  
5 ~~on matters at board meetings and hearings, and performing other~~  
6 ~~business of the board. He has all the powers and duties of the~~  
7 ~~member, including the power to take testimony at board hearings.~~

8 ~~(c) A personal representative may serve as either chairman~~  
9 ~~or vice chairman of the board.~~

10 ~~(d) A personal representative is entitled to reimbursement~~  
11 ~~for travel and other necessary expenses to the same extent and in~~  
12 ~~the same manner as the member he represents.]"~~

13 Sec. 5. Section 21.028, Water Code, is amended to read as  
14 follows:

15 "Sec. 21.028. BOARD OFFICERS. The members of the board, by  
16 secret ballot, shall elect annually a chairman and a vice chairman  
17 whose terms shall begin ~~[to serve two-year terms beginning on]~~  
18 February 1 of each ~~[odd-numbered]~~ year."

19 Sec. 6. Appointed board members who are serving on the board  
20 on the effective date of this Act shall continue in office until  
21 the governor makes the necessary appointments under this Act.  
22 Those initially appointed by the governor under this Act shall draw  
23 lots with two members serving until January 31, 1979, two members  
24 serving until January 31, 1981, and two members serving until  
25 January 31, 1983.

26 Sec. 7. The importance of this legislation and the crowded  
27 condition of the calendars in both houses create an emergency and

1 an imperative public necessity that the constitutional rule  
2 requiring bills to be read on three several days in each house be  
3 suspended, and this rule is hereby suspended, and that this Act  
4 take effect and be in force from and after its passage, and it is  
5 so enacted.

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NOV 16 1976

JAN 13 1977

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on

Natural Resources

3. Reported favorably (as amended) and sent to Printer at \_\_\_\_\_ M.  
unfavorably (time)

4. Printed, distributed and sent to the Committee on Calendars at \_\_\_\_\_ M.  
(time)

5. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

6. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-record vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

7. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

8. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

9. Caption ordered amended to conform to body of bill.

10. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-record) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

11. Ordered Engrossed at \_\_\_\_\_ M.  
(time)

12. Engrossed.

13. Returned to Chief Clerk at \_\_\_\_\_ M.  
(time)

14. Sent to Senate.

Chief Clerk of the House

15. Received from the House \_\_\_\_\_

16. Read, referred to Committee on \_\_\_\_\_

17. Reported favorably \_\_\_\_\_

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 22. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 24. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 25. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

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\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 26. Returned to the House.

\_\_\_\_\_ 27. Received from the Senate (with amendments).

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 31. Ordered Enrolled at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)